



MINUTES OF THE GILA COUNTY

BOARD OF ADJUSTMENT

Thursday, April 19, 2018

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM

610 E. Highway 260, Payson, AZ

GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM

745 N. Rose Mofford Way, Globe, AZ

9:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 9:08 A.M. by Chairman Don Ascoli.
2. Pledge of Allegiance was led by Scott Buzan.
3. Roll Call: Therese Berumen did the roll call; Chairman Don Ascoli (in Payson), Terry Otts (in Globe), Mickie Nye (in Globe), and Mary Lou Myers (in Payson) are all present. Bill Marshall was absent. A quorum is present.

Community Development Staff Members Present: Scott Buzan-Director, Robert Gould-Planner, and Therese Berumen-Administrative Assistant.

Gila County Attorney's Office Present: Charles Shire.

Public Works Staff Members Present: Dennis Kroeger

4. Review and Approval of the Board of Adjustment Minutes on February 15, 2018. Chairman Don Ascoli asked if there were any changes needed to the minutes. No changes were suggested. Mary Lou Myers motioned that the minutes be approved as is and Mickie Nye seconded the motion. The motion was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Board of Adjustment, Director Scott Buzan and/or Planner Robert Gould of Community Development may present a brief summary of current events. No action may be taken.

Robert Gould originally had an item he wanted to discuss, but after further review decided to withdraw that. Scott Buzan stated that he didn't have anything he wanted to discuss at this time.

Appeal:

6. **AV-18-01 Howard Kaiser:** An application was approved by the Community Development Division and appealed by Terry Knight.

Robert Gould presented the staff report overview. The Gila County Zoning Ordinance provides us with approvals for Administrative Variances under certain cases, such as extreme topography, unnecessary destruction of vegetation, close proximity to waterways, substandard size lots, and irregular shape of lots. The applicant's parcel is located in the R1L-D12 zoning district, which basically requires a minimum 12,000 square foot lot. This particular lot is 9,600 square feet, which makes it a substandard sized lot. There are also topographic and vegetation issues. The

normal side property line setback for this particular lot would be 9 feet and 7 feet for the rear property line setback. It was approved and appealed by Mr. Knight. Mr. Knight is concerned about the drainage onto his property. The applicant has agreed to put a gutter on the side that would run off on Mr. Knight's property, which would damage their property. The Public Works department has also looked at the application. Public Works deals with all drainage issues. I don't see a problem with the variance. Mary Lou Myers asked Robert Gould if the rear property line setback was 20 feet or 7 feet. Robert Gould stated that for a garage it is 7 feet and for a home it is 20 feet. Mickie Nye asked if the measurement is from the wall of the building or the eave. Robert Gould stated that it is the wall, not the eave. Mary Lou Myers stated that all the lots in this subdivision are small. Robert Gould stated that yes, they are all substandard lots. Mickie Nye stated that he thinks the biggest concern is that the issues with grading and drainage are answered. He doesn't want this to come back on the County 10 years down the road, if any damage would occur to Mr. Knight's property. Don Ascoli stated that he didn't have any pictures to judge the grade or the flow for himself. Mary Lou Myers stated that she had been by the property 3 times now and doesn't appear to her that the grade is that difficult. Robert Gould stated that he thinks it is an 8-9% grade. Mickie Nye stated that he trusts Robert Gould and Mary Lou Myers' opinion on the grade of the property and doesn't necessarily need pictures. Don Ascoli stated that he does trust their opinion as well, but it always helps to have photographs. Don Ascoli asked Robert Gould if all of Mr. Knight's questions were answered, from the email that he sent. Robert Gould stated that he was not answering any questions about liability, but also thought that Public Works needed to address those concerns and also stated that the grading and drainage review is usually done during the building permit process, not zoning process. Dennis Kroeger stated the he does not handle any variances, just grading and drainage issues. I did go to Mr. Kaiser's property when he submitted the Pre-Development Information Request and look at where he wanted to place the garage. I also looked at the earth and materials he was planning on using, and the natural drainage he would be disturbing. We discussed numerous things and a solution was brought up about putting the gutter on the garage. He has a natural drainage from his property all the way down to the street. We discussed several issues for what he needed to do to manage the water on his property, without going onto the neighbors. He understood what I was talking about and I don't see any problems with the installation as he wants it. Don Ascoli asked Dennis Kroeger if he could answer any of the questions in Mr. Knight's email. Dennis Kroeger stated that most of those questions pertain to variances, but he did state that it is hard to speculate what would happen after the project is completed because there hasn't been any rain. Mr. Kaiser asked Dennis Kroeger if the plans will be reviewed by his department and Dennis Kroeger stated that yes they will be. Dennis Kroeger also stated that you can plan and review anything, but ultimately mother nature has the final say so. Mickie Nye asked staff if the applicant went from a variance request of 5 feet to 7 feet, would there be any difference in water impact to anybody else's property. Robert Gould stated that he believes it would not make a difference and reinstated that every department has to approve this project. It starts out in zoning and then other departments, such as wastewater and building have to approve it as well. Dennis Kroeger stated that after this project would be completed, if Mr. Knight had concerns because the drainage was running onto his property, he could make a complaint and then he would go and inspect it and they would figure out how to correct the situation.

The meeting was opened to public comment. Terry Knight stated that he did not have a major issue with Mr. Kaiser putting the structure on the property, but had concerns about the drainage onto his property, since he lives right next door. He would just like to see something done prior to the construction, so they don't have to come back later and fix anything. He also stated that

he just wanted a better understanding of how the process works. Scott Buzan stated that if the Board approved the zoning application today, then the building plans and site plan would be submitted to Community Development. The department would then issue a Pre-Development Information Request, which goes to Grading and Drainage, Floodplain, Wastewater and the Building Department. All of these departments will look at the site plan and application to address any comments they may have. It then goes back to the applicant to see if they would like to proceed with their project. We then take in the plans and start processing it. Every department would then do what they needed to do after the permit is issued. So, all these agencies are involved from start to finish, until the project is through the final stage. Once it is finalized, to the best of our ability, we should have all these things taken care of. Now, if something would happen, like mother nature and we find that the drainage has changed, then we could receive a complaint and grading and drainage would go out and see what could be done to correct the situation. The plans that are taken in are a best guess, in a sense because we do not know what the future would bring. Basically, we have several departments that follow this project through from start to finish to make sure when the project is finalized, everything is in line. No other public comments. The public comment portion of the meeting was closed.

Mickie Nye motioned to deny the appeal. The motion was seconded by Mary Lou Myers. The motion was unanimously approved.

7. Adjournment. Mary Lou Myers made a motion to adjourn the meeting and Terry Otts seconded the motion. The motion to adjourn was unanimously approved at 9:43 A.M.